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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/597,277 | VIGNOLI ET AL. | |
| | Examiner | Art Unit | |
| | YU ZHAO | 2169 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *06 January 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. Acknowledgment is made of applicant's amendment filed on **January 6, 2010**.

**Claims 1-21 are presented for examination.**

**Claims 1, 6, 10, 11 and 17 are amended.**

### *Remarks*

Based on the applicants' arguments filed on June 23, 2009, examiner interprets the term "apparatus" as hardware from hereon.

### *Response to Argument*

2. Applicant's arguments filed in the amendment filed on **January 6, 2010**, have been fully considered but they are not deemed persuasive:

**Applicants argue that,** "In addition, claim 1 now more clearly discloses "a first selector device that accesses and searches at least one database source of material". Accordingly, the claim language now more clearly discloses (and as can reasonably be interpreted from the same) that the at least one database is connected all the time, i.e., with the first selector device.

In contrast, **Hoch** teaches filtering content with a multilevel hierarchical searching method based on a user's persona information using a learning mechanism. In particular, as illustrated in FIG. 6 thereof, the method of **Hoch** performs a search for content at one or more nodes of the community (step 602), filters the information

received from the one or more notes in response to the search (step 603), generates a search result (step 604), presents the search result (step 605), queries whether the user is satisfied (step 607), and if not satisfied, then receives a [user's] selection of at least a portion of the search result (step 606) and returns to step 602 wherein the method again searches the content at one or more nodes of the community (step 602) and thereafter repeats [emphasis added] (See Hoch at paragraph [0071] and [0074]-[0076]). Accordingly, while **Hoch** discloses filtering using multiple levels of details and a learning algorithm based on a user's persona information, the method of Hoch teaches repeated searching the nodes of the community at the successive levels of the multilevel hierarchical searching. Accordingly, **Hoch** does not teach or suggest the limitations as specifically recited in claim 1 of the present application.

Thus, for this reason, the examiner's burden of factually supporting a prima facie case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn."

**The Examiner respectfully disagrees.** The phrase "...the at least one database is connected all the time" has not been recited in the claim language. The claim merely discloses "a first selector device that accesses and searches at least one database source of material", which does not necessary mean the database is connected all the time. The first selector can access and search database at any time it needs to. Especially, the limitation recites, "...further wherein the **first selector device accesses** and search available **databases sources** of material **on a weekly basis**..." which

indicates first selector device accesses and searches databases on a weekly basis and does not necessarily have to connects to databases at all the time.

**Examiner suggest applicants** to amend the claim language to explicitly recite the above ideas into the independent claims (i.e. The first selector device connects database(s) all the time and searches database(s) on a weekly basis) in order to advance the prosecution. Also, applicants should clarify where are "the first subset of identifications of items" and "the second subset of identifications of items" are located at.

Further, the instant invention is a hierarchical searching/filtering system. It will do a highest hierarchical level searches/filters to create a first subset, then it will do a lower hierarchical level searches/filters on the first subset to create a second subset. Hoch discloses "multilevel hierarchical search and filtering processes" (Hoch: page 1, paragraph [0011], "FIGS. 3A to 3D show block diagrams illustrating embodiments of multilevel hierarchical search and filtering processes", page 5, paragraph [0058], "FIGS. 3A to 3D show block diagrams illustrating multilevel hierarchical search and filtering processes based on persona information of a user…a set of parameters 301 may be used to specify how the search is being conducted")

According the example in Hoch, Fig. 3A-3C, **"multilevel hierarchical search and filtering"** can be broadly interpreted as filtering materials (e.g. song or music) from general to detail or from broad to narrow, where Fig. 3A is equivalent to "highest

hierarchical level", and Fig. 3B-3C is equivalent to "lower hierarchical level") in one system, while the instant invention uses two devices to perform searching on two different hierarchical levels.

Further, Barton teaches the claim limitations. It is obviously that Barton does not download all the material (e.g. music or song) into the Local Database (i.e. with limited storage size of the PDA or computer, data on the entire Internet will be too much for their storage). This indicates that Barton's system is selectively downloading the information or data what the user wants (Barton: page 1, paragraph [0013], "a personal digital assistant or computer could be specially enabled to **act as the interactive service itself**… transmission to the service provider would only be needed for additional interaction and potentially for **updates** of the music database, such as periodically (e.g. **weekly**)" where "personal digital assistant" and "computer" are "**service provider**," page 2, paragraph [0015], "**The service provider** may employ the sample by itself, may **derive information from the sample**, may use data known about the user (e.g., the user's identity and**/or user profile**), may accept input from the user, or may employ a combination of all such inputs, to trigger a predetermined event that is responsive to the user's needs." where "user profile" is broadly interpreted as "user preference" since "user preference" is part of "user profile", "predetermined event" is broadly interpreted as updating/searching new material, and "to maintain the first subset of identifications of

items up to date" is read on the "the music database" ). This is similar to the instant invention, where the first selector device uses the general user preference to retrieves material from database sources to create the first subset of identifications of items (e.g. music, song) on weekly basis.

Barton also discloses **after** retrieve the first subset of identifications of items that user may like, user can performing the database query to search the local database (Barton: page 1, paragraph [0013], "Alternatively, a personal digital assistant or computer could be specially enabled to act as the interactive service itself by storing the database in its memory and performing the database query and processing without externally accessing the service...") where "first subset of identifications of items" is read on "the local database" and "second set of user preferences" is read on "the database query." This is similar to the second limitation of the independent claims, where a second selector device uses the narrower user preference to search the first subset of identifications of items to create the second subset of identifications of items.

Therefore, the combination of Hoch and Barton teaches the claim limitations.

**Applicants argue that,** "In further contrast, **Barton** does not supply that which is missing from Hoch. **Barton** teaches a method for interacting with a user that employs a captured sample of an experimental environment in which the user exists as a command to trigger subsequent events (see Barton at paragraph [0006]). In paragraph

[0013], **Barton** discloses that "a personal digital assistant or computer could be specially enabled to act as the interactive service itself by storing the database in its memory and performing the database query and processing without externally accessing the service." **Barton** further discloses in paragraph [0013] that "transmission to the service provider would only be needed for additional interaction and potentially for updates of the music database, such as periodically (e.g., weekly)." In other words, the database (corresponding to the service) that would be stored on the personal digital assistant or computer is configured to operate without externally accessing the service (i.e., accessing the external database), except for additional interaction or updates to the database stored on the PDA or computer. Accordingly, **Barton** does not teach or suggest the limitations as specifically recited in claim 1 of the present application."

**The Examiner respectfully disagrees.** The claims merely recite "...one database source of material..." The claim language does not disclose where the database sources of material are. With broadest interpretation, database source can be Local (i.e. within the apparatus device) or External (i.e. internet databases at different locations).

Examiner sees interpreted the independent claims as: a first selector device uses a general user preference to retrieves material from database sources to create a first subset of identifications of items (e.g. music, song) on weekly basis. A second selector device uses a narrower user preference to search the first subset of identifications of items to create a second subset of identifications of items to create a playlist.

The combination of Hoch and Barton teach the claims. Hoch teaches searching/filtering material (e.g. song and music).

And it is obviously that Barton does not download all the material (e.g. music or song) into the Local Database (i.e. with limited storage size of the PDA or computer, data on the entire Internet will be too much for their storage). This indicates that Barton's system is selectively downloading the information or data what the user wants (Barton: page 1, paragraph [0013], "a personal digital assistant or computer could be specially enabled to **act as the interactive service itself**... transmission to the service provider would only be needed for additional interaction and potentially for **updates** of the music database, such as periodically (e.g. **weekly**)" where "personal digital assistant" and "computer" are "**service provider**," page 2, paragraph [0015], "**The service provider** may employ the sample by itself, may **derive information from the sample**, may use data known about the user (e.g., the user's identity and**/or user profile**), may accept input from the user, or may employ a combination of all such inputs, to trigger a predetermined event that is responsive to the user's needs." where "user profile" is broadly interpreted as "user preference" since "user preference" is part of "user profile", "predetermined event" is broadly interpreted as updating/searching new material, and "to maintain the first subset of identifications of items up to date" is read on the "the music database" ). This is similar to the instant invention, where the first selector device uses the general user

preference to retrieves material from database sources to create the first subset of identifications of items (e.g. music, song) on weekly basis.

Barton also discloses **after** retrieve the first subset of identifications of items that user may like, user can performing the database query to search the local database (Barton: page 1, paragraph [0013], "Alternatively, a personal digital assistant or computer could be specially enabled to act as the interactive service itself by storing the database in its memory and performing the database query and processing without externally accessing the service...") where "first subset of identifications of items" is read on "the local database" and "second set of user preferences" is read on "the database query." This is similar to the second limitation of the independent claims, where a second selector device uses the narrower user preference to search the first subset of identifications of items to create the second subset of identifications of items.

**Applicants argue that,** "Thus, it is clear that neither reference provides any incentive or motivation supporting the desirability of the combination. Therefore, there is simply no basis in the art for combining the references to support a 35 U.S.C. § 103 rejection...In the present case it is clear that the combination as suggested by the office action arises solely from hindsight based on the invention without any showing, suggestion, incentive or motivation in either reference for the combination as applied to claim 1. Therefore, for this reason, the examiner's burden of factually supporting a prima facie case of

obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn."

The Examiner respectfully disagrees. Hoch discloses multilevel hierarchical search and filtering processes but does not disclose "on a weekly basis to maintain the first subset of identifications of items up to date..." However, Barton discloses "Alternatively, a personal digital assistant or computer could be specially enabled to act as the interactive service itself by storing the database in its memory and performing the database query and processing without externally accessing the service...In this embodiment, transmission to the service provider would only be needed for additional interaction and potentially for updates of the music database, such as periodically (e.g., weekly)." (Barton: page 1, paragraph [0013]) The above cited paragraph indicates because there is "potentially for updates of the music database", therefore periodically update is needed.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-5, 11-13, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoch (U.S. Pub. No.: US 2003/0191753 A1), in view of Barton et al. (U.S. Pub. No.: U.S. 2002/0072982 A1, hereinafter, Barton).**

**For claim 1, Hoch discloses a playlist generator apparatus comprising:**

**a first selector device that is access and searches at least one database source of material and provides therefrom a first subset of identifications of items within the at least one database source of material at a highest hierarchical level, based on a first set of parameters corresponding to a first set of user preferences, further wherein the first selector device accesses and searches available database sources of material** (Hoch: page 1, paragraph [0006], "When a request to search for a content in a community is received, a search is performed for the content at one or more nodes of the community.", page 4, paragraph [0046], "list of contents, such as music or movies, may be collected from one or more peers within a community through a **multilevel hierarchical searching** method based on a user's persona information using a learning mechanism.", page 5, paragraph [0058], "when a user **initiates a search, a set of parameters** 301 may be used to specify how the search is being conducted. In one embodiment, these **parameters are set up** at run time when the user **initiates the search**...a search result includes clusters of nodes having contents in genres A to D.", where "first hierarchical level" is read on "initiates a search", "first set of parameters" is

read on "a set of parameters" and where "a first subset of identifications of items" is read on "a search result" at initial search), **and**

**a second selector device operatively coupled to the first selector device, wherein the second selector device searches the first subset of identifications at a lower hierarchical level based on a second set of parameters corresponding to a second set of user preferences** (Hoch: page 4, paragraph [0046], "The contents searched and received from the one or more peers **may be filtered using multiple levels of details** and a learning algorithm…based on a user's persona information.", where "levels" indicates numbers of filtering processes, where "second set of user preferences" is read on "multiple levels of details", page 5, paragraph [0059], "...This information may be used by the search during a subsequent search...", paragraph [0061], "When a user **selects an area from a search result** displayed, such as area 305, **the search will conducts another search** and retrieves relevant information **from** the peers related to **the selected area**. When a user selects area 305, the search conducts a search and filters the information collected from the peers based on persona information of the user, as well as the user's past preferences or behaviors collected by the learning mechanism…", where "a second selector device" and "search the first subset of identifications " are read on "the search will conducts another search", and where "a second set of user preferences" is read on "filters the information collected from the peers based on

persona information of the user", paragraph [0062], "...when a user selects an area from the display of the level shown in FIG. 3B, the search may display further detailed information from the search result, such as information 310 regarding to specific artists of the songs derived from those genres or sub-genres", Fig. 3A-3D), **and provides therefrom a second subset of identifications of items within at least one database the source of material, wherein the second subset corresponds to a playlist that is used by a rendering device for a subsequent rendering of the items identified in the second subset** (Hoch: page 7, paragraph [0075], "If, at block 607, the user is not satisfied with the result, at block 606, the user may select a portion of the search result from the display or view by, for example, circling an area in which the user may be interested. The above processes may be repeated until the user is satisfied with the results." where "second subset of identification of items" is read on "select a portion of the search result", paragraph [0078], page 8, paragraph [0090], "...automatically build a play list from the content available in the observed community. According to one embodiment, the play list automatically built up includes a set of contents collected through a multilevel hierarchical searching method based on a user's persona information using a learning mechanism over the community, which will be described in details further below...").

**However, Hoch does not explicitly disclose device accesses and searches available database sources of material on a weekly basis to maintain the first subset of identifications of items up to date.**

**Barton discloses a first selector device that is access and searches at least one database source of material and provides therefrom a first subset of identifications of items within the at least one database source of material at a highest hierarchical level, based on a first set of parameters corresponding to a first set of user preferences, further wherein the first selector device accesses and searches available database sources of material on a weekly basis to maintain the first subset of identifications of items up to date** (Barton: page 1, paragraph [0013], "...a personal digital assistant or computer could be specially enabled to act as the interactive service itself by storing the database in its memory and performing the database query and processing without externally accessing the service...In this embodiment, transmission to the service provider would only be needed for additional interaction and potentially for **updates of the music** database, such as **periodically (e.g., weekly)**.", where "to maintain the first subset of identifications of items up to date" is read on the "the music database", Page 2, paragraph [0015], "The service provider may employ the sample by itself, may derive information from the sample, may use data known about the user (e.g., the user's identity and/or user profile), may accept input from the user,

or may employ a combination of all such inputs, to trigger a predetermined event that is responsive to the user's needs.");

**a second selector device operatively coupled to the first selector device, wherein the second selector device searches the first subset of identifications at a lower hierarchical level based on a second set of parameters corresponding to a second set of user preferences, and provides therefrom a second subset of identifications of items within at least one database the source of material** (Barton: page 1, paragraph [0013], page 2, paragraph [0015])

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon "Filtering contents using a learning mechanism" as taught by Hoch by implementing "Method and system for interacting with a user in an experiential environment" as taught by Barton, because it would provide Hoch's generator with the enhanced capability of "...potentially for updates of the music database" (Barton: page 1, paragraph [0013]).

**For claim 2, Hoch and Barton disclose the playlist generator of claim 1, wherein**

**the first set of parameters comprise parameters corresponding to time-independent user preferences** (Hoch: page 4, paragraph [0046]-[0057], "Interests...Artist lists...", where "time-independent" is read on "artist list", page 5, paragraph [0058], "FIG. 3A, when a user initiates a search, a set

of parameters 301 may be used to specify how the search is being conducted."), **and**

**the second set of parameters comprise parameters corresponding to user preferences at a particular time** (Hoch: pages 3-4, paragraph [0040], pages 4-5, paragraph [0046]-[0058], "interest…Favorite songs…Favorite artists…Rating of a user…Mood of a song…Words of the song (e.g., lyrics) The above set of information may be used as parameters, when a user conducts a search, to match people or match a song profile with a person.", where "user preferences at a particular time" is read on "mood of a song").

**For claim 3, Hoch and Barton disclose the playlist generator of claim 1, wherein**

**the first set of parameters comprise parameters corresponding to event-independent user preferences** (Hoch: page 4, paragraph [0046]-[0057], page 5, paragraph [0058]), **and**

**the second set of parameters comprise parameters corresponding to user preferences upon an occurrence of an event** (Hoch: pages 3-4, paragraph [0040], pages 4-5, paragraph [0046]-[0058], where "occurrence or an event" is read on "Mood of a song", (i.e. event-specific, when during an love/romantic event, the user would like to play love or romantic songs)).

**Claim 4** is rejected as substantially similar as claim 2, for the similar reasons.

**For claim 5, Hoch and Barton disclose the playlist generator of claim 1, wherein the database source of material includes one or more internet web-sites** (Hoch: page 2, paragraph [0029]-[0030]).

**Claim 11** is rejected as substantially similar as claim 1, for the similar reasons.

**Claim 12** is rejected as substantially similar as claim 2, for the similar reasons.

**Claim 13** is rejected as substantially similar as claim 5, for the similar reasons.

**Claim 17** is rejected as substantially similar as claim 1, for the similar reasons.

**Claim 18** is rejected as substantially similar as claim 2, for the similar reasons.

4. **Claims 6, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoch (U.S. Pub. No.: US 2003/0191753 A1), in view of Barton et al. (U.S. Pub. No.: U.S. 2002/0072982 A1, hereinafter, Barton) as applied to claims 1, 11 and 17 above, in view of Salam et al. (U.S. Patent No.: U.S. 6,594,654 B1, hereinafter, Salam).**

**For claim 6, Hoch and Barton disclose the playlist generator apparatus of claim 1, further including non-volatile memory that stores the first subset of identifications, wherein the second selector device further searches the first subset of identifications at the lower hierarchical level, based on a third set of parameters corresponding to a third set of user preferences, and provides therefrom a third subset of identifications of items within the database source of material, wherein the third subset corresponds to another playlist that is used by**

**a rendering device for a subsequent rendering of the items identified in the third subset** (Hoch: page 5, paragraph [0058]-[0062]).

**However, Hoch and Barton do not explicitly disclose store the first subset.**

**Salam discloses store the first subset (**Salam: column 10, lines 52-56, " a first set of raw search results 50a are stored…The first set of search results 50a which includes listings 1-7 are processed to obtain a second set of results 50b.**").**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon "Filtering contents using a learning mechanism" as taught by Hoch by implementing "Systems and methods for continuously accumulating research information via a computer network" as taught by Salam, because it would provide Hoch and Barton's generator with the enhanced capability of "**"**filtering**"** the information by categorizing the cards as a function of quality or state of currency or completeness, etc., (6) selecting and retaining those items of information that satisfy the researcher's goals" (Salam: column 2, lines 55-59).

**Claim 14** is rejected as substantially similar as claim 6, for the similar reasons.

**Claim 21** is rejected as substantially similar as claim 6, for the similar reasons.

5. **Claims 7-9, 15, 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoch (U.S. Pub. No.: US 2003/0191753 A1), in view of Barton et**

**al. (U.S. Pub. No.: U.S. 2002/0072982 A1, hereinafter, Barton) as applied to claims 1, 11 and 17 above, in view of Breese et al. (U.S. Patent No.: U.S. 6,006,218, hereinafter, Breese).**

**For claim 7, Hoch and Barton disclose the playlist generator apparatus of claim 1, wherein**

**the first set of parameters includes one or more parameters for searching the database source of material based on a frequency of access of the items within the database source of material** (Hoch: page 4, paragraph [0040], "persona information for a user of a device may include a set of attributes such as, an artist list, a song list, a favorite song list, a favorite artist list, rating of users,", paragraph [0041], "persona information associated with a user of a device is automatically collected. For example, a list of interests of a user of the device 5 may be automatically generated by recording the web sites the user visits, the music the user listens to, the films the user watches, etc.", page 5, paragraph [0058], "these parameters are set up at run time when the user initiates the search. Alternatively, these parameters may be collected automatically based on **user's current or previous behaviors**."), **and**

**the first selector device is further configured to determine a measure of requests for each item within the database source of material by a plurality of**

**users, and to provide therefrom the first subset of identifications of items, based on the measure of requests for each item** (Hoch: page 2, paragraph [0027], page 7, paragraph [0080], where "measure of request for each item" is read on "popular").

**However, Hoch and Barton do not explicitly disclose based on a frequency of access of the items, and**

**measure of requests for each item within the source material by a plurality of users.**

**Breese discloses based on a frequency of access of the items** (Breese: column 8, lines 16-24, "In step 222 input relating to, e.g., the search to be performed, user attributes, user preferences and/or the user's existing knowledge about items included in the information database to be searched, is obtained...may provide information on which sites a user likes based on a user's frequent access of certain sites..."), **and**

**measure of requests for each item within the source material by a plurality of users** (Breese: column 2, lines 53-55, "In order to generate the knowledge probability estimates, factors which may be considered include: the popularity of the individual data items being searched..." Column 2, line 65-column3, line 7, "Collaborative filters generate, using historical information on a large number of individuals preferences and information on the attributes and preferences of a particular user, a list of recommendations

sorted by their estimated value to the user. The historical information relating to an item's popularity used to perform a collaborative filtering operation may also be used to generate knowledge probability estimates in accordance with the present invention. For this reason, collaborative filters are particularly well suited for use with the present invention.", where "measure of requests" is read on "popularity").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon "Filtering contents using a learning mechanism" as taught by Hoch by implementing "Methods and apparatus for retrieving and/or processing retrieved information as a function of a user's estimated knowledge" as taught by Breese, because it would provide Hoch and Barton's generator with the enhanced capability of "an improved method of making recommendations or suggestions to the user regarding other Internet sites or data items which might be unknown but interesting to the user." (Breese: column 3, lines 8-31).

**Claim 8** is rejected as substantially similar as claim 4, for the similar reasons.

**Claim 9** is rejected as substantially similar as claim 3, for the similar reasons.

**Claim 15** is rejected as substantially similar as claim 7, for the similar reasons.

**Claim 16** is rejected as substantially similar as claim 8, for the similar reasons.

**Claim 19** is rejected as substantially similar as claim 7, for the similar reasons.

**Claim 20** is rejected as substantially similar as claim 2, for the similar reasons.

6. **Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoch (U.S. Pub. No.: US 2003/0191753 A1), in view of Barton et al. (U.S. Pub. No.: U.S. 2002/0072982 A1, hereinafter, Barton), and further in view of Breese et al. (U.S. Patent No.: U.S. 6,006,218, hereinafter, Breese) as applied to claim 7 above, and further in view of Salam et al. (U.S. Patent No.: U.S. 6,594,654 B1, hereinafter, Salam).**

**Claim 10** is rejected as substantially similar as claim 6, for the similar reasons.

***Conclusion***

**THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YU ZHAO whose telephone number is (571)270-3427. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mahmoudi, Tony can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4427.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Date: 3/10/2010

/Yu Zhao/

Examiner, Art Unit 2169

/Yicun Wu/

Primary Examiner, Art Unit 2158